UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,623	12/03/2001	Craig Burfeind	702.500-CNT1	1581

68247 7590 09/02/2009

DIGITAL CYCLONE, INC.
c/o GARMIN INTERNATIONAL, INC.
1200 EAST 151ST STREET
ATTN: LEGAL - IP
OLATHE, KS 66062

EXAMINER	
COSIMANO, EDWARD R	
ART UNIT	PAPER NUMBER
2863	

NOTIFICATION DATE	DELIVERY MODE
09/02/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATENTS@GARMIN.COM

Office Action Summary	Application No.	Applicant(s)	
	10/004,623	BURFEIND ET AL.	
	Examiner	Art Unit	
	Edward R. Cosimano	2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 May 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *18-23 and 30-34* is/are pending in the application.

4a) Of the above claim(s) *none* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *18-23 and 30-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *03 December 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

1. When preparing this Office action the examiner considers the instant application to include:

A) the Oath/Declaration filed on 03 December 2001 which is acceptable to the examiner;

B) the Abstract filed on 03 December 2001 which is acceptable to the examiner;

C) figures 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 & 17 of the set of drawings containing 17 sheets of 17 figures comprising figures 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 & 17 as presented in the set of drawings filed on 03 December 2001 where the content of figures 1, 3, 5, 6, 7, 8 & 9 of the above set of drawings is acceptable to the examiner;

D) the written description as filed on 03 December 2001 and amended on 03 April 2008; and

E) the set of claims as filed on 29 May 2009.

2. Applicant's claim for the benefit of an earlier filing date pursuant to 35 U.S.C. 120 is acknowledged.

3. The examiner has considered the prior art cited in the base applications.

4. The drawings filed on 03 December 2001 are objected to because:

A) applicant's reference to "pointing device 114" in the paragraph between page 7, line 22, and page 8, line 9: "Computer 110 … well known within the art.", of the written description is confusing because as can be seen in figure 1 applicant has used reference number 115 in order to designate the feature of the invention entitled "POINTING DEVICE" and applicant has used reference number 114 in order to designate the feature of the invention entitled "SPEAKER", and applicant should note the corresponding objection to the written description below.

B) applicant's references use of reference legend 210 when referencing the "subscriber" or "preference data" and to reference legend 220 when referencing the "natural-phenomenological data" in the paragraphs:

(1) at page 10, lines 7-27: "A system level … to future communication devices."; and

(2) between page 11, line 16, and page 12, line 10: FIG. 3 is a … and the method ends (block 390).";

of the written description is confusing because as can be seen in figure 2 and the description of figure 4 on pages 12 & 14 applicant has used reference number 210 in order to designate the feature of the invention entitled "PHENOMENOLOGICAL DATA" and applicant has used reference number 220 in order to designate the feature of the invention entitled "PERSONAL PREFERENCE" of the "subscriber", and applicant should note the corresponding objection to the written description below.

C) the drawings fail to comply with 37 CFR 1.84(p)(5) because they include the following reference legend not mentioned in the written description, note reference legend 200 which has not been mentioned in the written description of figure 2 located in the paragraph at page 10, lines 7-27: "A system level … to future communication devices.", of the written description, and note the corresponding objection to the disclosure.

D) the drawings fail to comply with 37 CFR 1.84(p)(5) because they do not include the following reference legend mentioned in the written description, note reference legends 471 & 481 which have been mentioned in the written description of figure 4 located in the paragraph:

(1) at page 16, lines 14-23: "The Personal … will be 10-12 knots".", of the written description; and

(2) between page 17, line 12, and page 18, line 6, "Thereafter, the … embedded in the email message.";

and note the corresponding objection to the disclosure.

E) the drawings fail to comply with 37 CFR 1.84(p)(5) because they include the following reference legend not mentioned in the written description, note reference legend 1000, 110, 1200, 1300, 1400, 1500, 1600 & 1700 that appear in figures 10, 11, 12, 13, 14, 15, 16 & 17, respectively, but that have not been mentioned in the written description of figures 10, 11, 12, 13, 14, 15, 16 & 17 located in the paragraphs between page 22, line 18, and page 25, line 24: "FIG. 10 is a … identified as a "event" object.", of the written description, and note the corresponding objection to the disclosure.

F) applicant's use of the circles containing the legend "11-1" or "12-2" through out figures 10, 11, 12, 13, 14, 15, 16 & 17 is confusing. In this regard it is noted that it would appear from the description of these figures as found in the paragraphs between page 22, line 18, and page 25, line 24: "FIG. 10 is a … identified as a "event" object.", of the written description that a one to one correspondence between what is depicted in the figures and the context of the written description can not be found. An example of this inconsistency is as follows, as can be seen in figure 10 the legend "12-2" has been used (lower right) however as can be seen in figure 12, reference legend "10-2" has been used in figure 12 where the context of the written description would indicate that reference legend "12-2" should have been used and figure 12 does not include a reference legend "12-2".

4.1 Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The disclosure is objected to because of the following informalities:

A) the following errors and/or inconsistencies between the drawings filed on 03 December 2001 and the written description have been noted:

(1) applicant's reference to "pointing device 114" in the paragraph between page 7, line 22, and page 8, line 9: "Computer 110 … well known within the art.", of the written description is confusing because as can be seen in figure 1

applicant has used reference number 115 in order to designate the feature of the invention entitled "POINTING DEVICE" and applicant has used reference number 114 in order to designate the feature of the invention entitled "SPEAKER". In view of this the reference to "pointing device 114" should be to –pointing device 115--, and applicant should note the references to "pointing device 115" and "speaker 114" on page 9 as well as the proposed amendment below.

(2) applicant's references use of reference legend 210 when referencing the "subscriber" or "preference data" and to reference legend 220 when referencing the "natural-phenomenological data" in the paragraphs:

(a) at page 10, lines 7-27: "A system level … to future communication devices."; and

(b) between page 11, line 16, and page 12, line 10: FIG. 3 is a … and the method ends (block 390).";

of the written description is confusing because as can be seen in figure 2 and the description of figure 4 on pages 12 & 14 applicant has used reference number 210 in order to designate the feature of the invention entitled "PHENOMENOLOGICAL DATA" and applicant has used reference number 220 in order to designate the feature of the invention entitled "PERSONAL PREFERENCE" of the "subscriber". In view of this the references to reference number "210" should be to reference number –220--, and the references to reference number "220" should be to reference number --210--, and applicant should note the proposed amendments below.

(3) if applicant chooses not to delete reference legend 200 from figure 2, note above, then the written description fails to comply with 37 CFR 1.84(p)(5) because the written description does not include an explicit reference to this reference legend in the written description of figure 2 located in the paragraph at page 10, lines 7-27: "A system level … to future communication devices.", of the written description.

(4) if applicant chooses not to add reference legends 471 & 481 to figure 4, note above, then the written description fails to comply with 37 CFR 1.84(p)(5) because the written description includes an explicit reference to these reference legends in the written description of figure 4 located in the paragraph:

(a) at page 16, lines 14-23: "The Personal … will be 10-12 knots".", of the written description; and

(b) between page 17, line 12, and page 18, line 6, "Thereafter, the … embedded in the email message.";

and applicant should note the proposed amendments below.

(5) if applicant chooses not to add reference legends 1000, 110, 1200, 1300, 1400, 1500, 1600 & 1700 to figures 10, 11, 12, 13, 14, 15, 16 & 17, respectively, note above, then the written description fails to comply with 37 CFR 1.84(p)(5) because the written description includes an explicit reference to these reference legends in the written description of figures 10, 11, 12, 13, 14, 15, 16 & 17 located in the paragraphs between page 22, line 18, and page 25, line 24: "FIG. 10 is a … identified as a "event" object.", and applicant should note the proposed amendments below.

(6) applicant reference to "BASE-ACTIVITY" object 1210 having three child classes in the paragraph between page 23, line 23, and page 24, line 10: "FIG. 12 is a … and described in detail below.", of the written description is confusing because as can be seen in figure 12 and from the this paragraph applicant references four child classes that have been designated as "MISC-ACTIVITY" 1230, "TRAVEL" 1240, "INTEREST" 1250 and "OCCUPATION" 1260. In view of this the phrase "has three child" that appears at line 13 of this paragraph should be –has four child--, and note the corresponding proposed amendment to the description of figure 12 in this paragraph below.

(7) applicant's use of the circles containing the legend "11-1" or "12-2" through out figures 10, 11, 12, 13, 14, 15, 16 & 17 is confusing. In this regard it is noted that it would appear from the description of these figures as found in the paragraphs between page 22, line 18, and page 25, line 24: "FIG. 10 is a …

identified as a "event" object.", of the written description that a one to one correspondence between what is depicted in the figures and the context of the written description can not be found. An example of this inconsistency is as follows, as can be seen in figure 10 the legend "12-2" has been used (lower right) however as can be seen in figure 12, reference legend "10-2" has been used in figure 12 where the context of the written description would indicate that reference legend "12-2" should have been used and figure 12 does not include a reference legend "12-2".

B) the paragraph at page 24, lines 26-30: "FIG. 15 is … 1250 in FIG. 12" is confusing and unclear since this paragraph lacks a ".", after "FIG. 12" in order to indicate if this is the end of the paragraph or is there some additional text that is missing. From line 1 of page 25 it would appear that there should be a ".", after "FIG. 12" at line 30 of page 24, and note the proposed amendment below.

C) in view of the above objections it is suggested that the following paragraphs be amended as indicated:

(1) between page 7, line 22, and page 8, line 9:

Computer 110 is operatively coupled to display device 112, pointing device [[114]] 115, and keyboard 116. Computer 110 includes a processor 118 (e.g. an Intel Pentium processor), random-access memory 120 (RAM), read-only memory 122 (ROM), and one or more mass storage devices 124, and a system bus 126, that operatively couples various system components including the system memory to the processing unit 118. Mass storage devices are more specifically types of nonvolatile storage media and can include a hard disk drive, a floppy disk drive, an optical disk drive, and a tape cartridge drive. The memory 120, 122, and mass storage devices, 124, are types of computer-readable media. A user can enter commands and information into the personal computer 110 through input devices such as a pointing device 115 and a keyboard 116. Other input devices (not shown) can include a microphone, joystick, game pad, satellite dish, scanner, or the like. The processor 118 executes computer programs stored on the computer- readable media. The invention is not limited to any type of computer 110. Computer 110 can be a PC-compatible computer, a MacOS-compatible computer or a

UNIX-compatible computer. The construction and operation of such computers are well known within the art.

(2) at page 10, lines 7-27:

A system level overview of the operation of an exemplary embodiment of the invention is described by reference to FIG. 2. The personal natural- phenomenological system 230 receives personal preference data of a subscriber [[210]] 220 and natural-phenomenological data [[220]] 210. Natural-phenomenological data includes current ground meteorological observation, forecast conditions, satellite images, and radar data. The personal natural-phenomenological system 230 can receive personal preference data of a subscriber [[210]] 220 before, after, or at the same time as the natural-phenomenological data [[220]] 210 is received. Subsequently, the personal natural-phenomenological system 230 uses the personal preference data [[210]] 220 as a guide to select or filter natural-phenomenological data [[220]] 210 that is pertinent to the subscriber. The personal natural-phenomenological system 230 can be implemented on a computer such as computer 110 in FIG. 1. Thereafter, the personal natural-phenomenological system 230 sends the selected natural- phenomenological data to the output medium or device 240 for communication to the subscriber. Electronic delivery of the personalized natural-phenomenological information can be through any number of a variety of output mediums, including pagers, text to voice synthesizers to create an audio stream for playback either via a telephone or a personal digital assistant (PDA), a multimedia-enabled computer, email, computer display monitors, PDA, and a PCS phone. One of skill in the art will readily recognize that the invention can be applicable to future communication devices.

(3) between page 11, line 16, and page 12, line 10:

FIG. 3 is a block diagram of one embodiment of the method 300 of the invention. In one embodiment, actions are performed on a computer 110 in FIG. 1. The method begins (block 305) with either the receipt of natural- phenomenological data (block 310) from a source of natural-phenomenological data (block [[220]] 210 in FIG. 2), or the receipt of subscriber data (block 330) from a source of personal preference data of a subscriber (block [[210]] 220 in FIG. 2). After the receipt of natural-phenomenotogical

data (block 310), the natural- phenomenological data is stored (block 320). After the receipt of subscriber data (block 330), subscriber data is stored (block 340). The subscriber data is received (block 330) at the same time, before or after the natural-phenomenological data is received (block 310). After natural-phenomenological data is stored (block 320) and the subscriber data is stored (block 340), the stored natural-phenomenological data and subscriber data is analyzed (block 350) and a text string embodying the result of the analysis is generated (block 360). Afterward, the text string is encoded to the capabilities, features and functions of the output device (block 370), such as, converting the text string to a voice-synthesized audio stream, embedding the text string in a HTML-compliant text string that is in turn embedded in an HTTP-compliant email file. The analysis of natural- phenomenological and subscriber data (block 350), generation of personalized natural phenomenological text (block 360), and encoding of text to output device (block 370) are all performed by the personal natural-phenomenological system (block 230 in FIG. 2). Afterward, the encoded text is transmitted to the output device (block 380), the output medium (block 240 of FIG. 2) and the method ends (block 390).

(4) at page 16, lines 14-23:

The Personal Weather Text Generator (PWTG) 470 retrieves data from each of the above databases described: The personal preference database 426, the radar database 436, the satellite database 446, gridded natural-phenomenological database 456 and raw natural-phenomenological database 466. The data is analyzed and an output text string [[471]] of personalized natural-phenomenological information is generated. In one embodiment, the PWTG 470 generates for a subscriber who has indicated in his/her dynamic personal preferences that sailing is an activity of the subscriber, on July 4, 2002 at Miami, FL, a text string indicating forecast wind conditions on July 4, 2002 at 3 pm in Miami, FL. is generated, such as "The winds for sailing tomorrow will be 10-12 knots."

(5) between page 17, line 12, and page 18, line 6:

Thereafter, the multimedia device interface 480 retrieves the identification of the output devices(s) [[481]] of the subscriber from the personal preferences database through a personal preferences database object (as shown in FIG. 5), and subsequently

encodes the output text string [[471]] and/or add information appropriate to the device type and in a manner that is compliant to the capabilities, features and functions of the destination device in order to create device-specific personalized multimedia natural-phenomenological information (not shown). In a first embodiment in which the output device is a voicemail output device, the multimedia device interface 480 generates and adds English words to the output text string [[471]] to create a grammatically correct English sentence which is subsequently converted into a voice-synthesized audio stream compliant to the capabilities, features and functions of the devices that include, telephone, voicemail or a personal digital assistant (PDA). In a second embodiment, the multimedia device interface 480 first generates and adds English words to the output text string [[471]] to create a grammatically correct English sentence that is compliant to the capabilities, features and functions of pagers, computer display monitors, PDA, or a PCS phone. In yet another embodiment where the output device is a multimedia enabled computer as in FIG. 1 with an HTML-compliant email software browser, where the PWTG 470 generates a text string "The winds for sailing tomorrow will be 10-12 knots," the multimedia device interface 480 subsequently generates HTML statements with the text string embedded, which is in turn embedded in an HTTP-compliant email message. The text string can also be converted to a voice-synthesized audio stream and embedded in the HTTP-compliant email message, and an animated graphic file of a television meteorologist is generated and embedded in the email message.

(6) between page 22, line 18, and page 23, line 3:

FIG. 10 is a class diagram 1000 of one embodiment of the personal-preferences class and classes related to the personal-preferences class of the apparatus described in conjunction with FIG. 5. The axiomatic parent class for personal- preferences classes is the preference class 1010. The preference class 1010 is composed of one object instantiated from the sensitivity class 1020 identified as the "sensitivity" object, one object instantiated from the geographic-location class 1030 identified as the "geo" class, one object instantiated from the season class 1040 identified as the "season" object, and one object instantiated from the base- activity class, 1210 in FIG. 12, identified as the "activity" object. The attributes of the geographic-location 1030 class describe the

longitude and latitude of the geographic-location and the radius of the area of interest extending from the longitude and latitude. The attributes of the season 1040 class describe the Julian days and the minute of the season. The composition of the preference class 1010 indicates that the objects of the class's sensitivity 1020, geographic-location 1030, season 1040, and base-activity 1050 are instantiated only during the instantiation of an object of the preference class 1010 or any of it child classes.

(7) at page 23, lines 4-22:

FIG. 11 is a class diagram 1100 of one embodiment of the weather-preferences class and classes related to the weather-preferences class. The weather-preference class 1110 is a child class that inherits attributes and methods from the preference class 1010 of FIG. 10. The weather-preference class 1110 is composed of one object instantiated from the forecast-data class 1120 identified as the "forecast" object, one object instantiated from the gridded-data class 1130 identified as the "grid-data" object, one object instantiated from the metar-data lass 1140 identified as the "metar-data" object, one object instantiated from the severe-weather-data class 1150 identified as the "severe-data" object, one object instantiated from the radar-data class 1160 identified as the "radar-data" object, one object instantiated from the cloud-data class 1170 identified as the "cloud-data" object, and at least one object from the weather-knowledge class 1180 statically identified as the "weather-knowledge" object. The composition of the weather-preference class 1110 indicates that objects "forecast," "grid-data," "metar-data," "severe-data," "radar-data," "cloud-data," and "weather-knowledge" are instantiated only during the instantiation of an object of the weather-preference class 1110. Therefore, the objects that the weather-preference class 1110 is composed of is not instantiated before or after the instantiation of a weather-preference class 1110 object as in object aggregation.

(8) between page 23, line 23, and page 24, line 10:

FIG. 12 is a class diagram 1200 of one embodiment of the weather-knowledge class and classes related to the weather-knowledge class. The preference class 1010 in FIG. 10 is composed of one object instantiated from the base-activity class 1210 identified as the "activity" object. Moreover, the weather-knowledge class 1180 in FIG. 11 is composed of at least one object instantiated from the base-activity class 1210

identified as the "activity" object, and one object instantiated from the weather-effects class 1220 identified as the "effects" class. The attributes of the base-activity class 1210 describe the index, the name, the description and the discretionary data of the base-activity class 1210. The composition of the weather-knowledge 1180 in FIG. 11 indicates that the objects of the classes base-activity class 1210 and one object of the weather-effects class 1220 are instantiated only during the instantiation of an object of the weather- knowledge class 1180 in FIG. 11. The base-activity class 1210 has [[three]] four child classes, miscellaneous-activity class 1230, the travel class 1240, the interest class 1250, and the occupation class 1260, each of which inherit attributes and methods from the base-activity class 1210. The child classes of the miscellaneous-activity class 1230, the travel class 1240, and the interest class 1250 are depicted in FIGS. 13, 14 and 15, respectively, and described in detail below.

(9) at page 24, lines 11-20:

FIG. 13 is a class diagram 1300 of one embodiment of the miscellaneous- activity class and classes related to the miscellaneous-activity class 1230 in FIG. 12. The miscellaneous-activity class 1230 in FIG. 12 is specialized by three child classes, the chore class 1310, the leisure class 1320, and the event class 1330, all of which inherit attributes and methods from the miscellaneous-activity class 1230 in FIG. 12. The chore class 1310 has a child class, the lawn-mowing class 1340 that inherits attributes and methods from the chore class 1310. The event class 1330 has a child class, the wedding class 1350 that inherits attributes and methods from the event class 1330. The child classes of the leisure class 1320 are depicted in FIG. 16 and described in detail below.

(10) at page 24, lines 21-25:

FIG. 14 is a class diagram 1400 of one embodiment of the child classes of the travel class 1240 in FIG. 12. The travel class 1240 in FIG. 12 is specialized by the child classes vacation class 1410, discretionary-vacation class 1420, and business-trip class 1430. These child classes inherit attributes and methods from the travel class 1240 in FIG. 12.

(11) at page 24, lines 26-30:

FIG. 15 is a class diagram 1500 of one embodiment of the interest class 1250 in FIG. 12. The interest class 1250 in FIG. 12 is specialized by child classes sports-team class 1510, music class 1520, television class 1530, movies class 1540, and religion class 1550. These child classes inherit attributes and methods from their parent class, the interest class 1250 in FIG. 12.

(12) at page 25, lines 1-10:

FIG. 16 is a class diagram 1600 of one embodiment of the leisure class 1320 in FIG. 13. The leisure class 1320 in FIG. 13 is specialized by three child classes, the hobby class 1610, the sport class 1620, and the various class 1630, that inherits attributes and methods from the leisure class 1320 in FIG. 13. The hobby class 1610 is specialized by the gardening class 1640, the sport class 1620 is specialized by the rock climbing class 1650 and the various class 1630 is specialized by the kite-flying class 1660. The gardening class 1640 inherits attributes and methods from the hobby class 1610. The rock climbing class 1650 inherits attributes and methods from the sport class 1620. The kite-flying class 1660 inherits attributes and methods from the various class 1630.

(6) at page 25, lines 11-24:

FIG. 17 is a class diagram 1700 of one embodiment of the person class and classes related to the person class. Objects instantiated from the person class 1710 are composed of one instantiated object of the family class 1720, one instantiated object of the calendar class 1730 and at least one instantiated object of the weather-preference class 1110 of FIG. 11. Instantiated objects of the family class 1720 are composed of one object of the simple-person class 1740 identified as a "spouse" object, and zero or more objects of the simple-person class 1740 identified as "children" objects. Furthermore, each instantiated object of the family class 1720 is composed of one object of the weather-preference class 1110 of FIG. 11 identified as a family-activity object. Instantiated objects of the calendar class 1730 are composed of one or more objects of the day class 1750 named "days", and each instantiated object of the day class 1750 is composed of one objects of the weather-preference class 1110 of FIG. 11 identified as a "event" object.

5.1 Appropriate correction is required.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.1 Claims 18-23 & 30-34 are rejected under 35 U.S.C. 102({fill in}) as being anticipated by Wickes et al (5,990,805).

6.1.1 In regard to claims 18-23 & 30-34, Wickes et al ('805) disclose a machine/process that provides the useful and beneficial function providing a multi-media indication of desired data/information, for example, natural phenomena data/information, that is of interest to the user/operator. To provide this indication a central computer implemented facility uses a suitable communications link in order to receive an indication from the user/operator of the type of data/information that is desired by the user/operator by selecting one type of data/information from one or more different categories or types of available data/information. Based on the received indication of the desired type of data/information from the user/operator, the central facility uses one or more suitable communications links in order to collect or retrieve relevant data/information from each one of the one or more remotely located relevant data/information bases/structures which have been previously created from the various sources of the relevant types of data/information. The relevant data/information that has been collected from the remote databases is then processed and formatted in order to create a suitable indication, for example a multi-media presentation, of the collected relevant data/information for the interested user/operator on the interested user/operator's display device. After the suitable indication of the desired data/information has been generated, then the central facility uses a suitable

communications link in order to provide the suitable indication to the interested user/operator that had requested the data/information.

6.1.2 It is further noted that in Wickes et al ('805) the phenomena data/information is collected and stored in one or more data/information bases/structured from one or more remotely located sensors of the phenomena data/information and an user profile is used in order to retrieve, process and display the requested information to the interested user/operator.

7. Response to applicant's arguments.

7.1 The objections and rejection that have not been repeated here in have been over come by applicant's last response.

8. The examiner has cited prior art of interest, for example:

A) Kennedy et al (4,812,825) discloses a machine/process that provides the useful and beneficial function providing an alarm or warning in the event of the occurrence of a natural phenomena. To provide a warning this machine/process receives data/information that represents one or more criteria for the one or more conditions that are indicative of the occurrence of the natural phenomena. One or more sensors are then used in order to detect the one or more conditions that are indicative of the occurrence of the natural phenomena. The output signals from the one or more sensors are then processed relative to the received criteria in order to determine if the one or more sensed conditions are indicative of the occurrence of the natural phenomena. When the processing results in an indication that the one or more sensed conditions are indicative of the occurrence of the natural phenomena, then a suitable warning indication is provided to an interested user/operator.

B) either Kruhoeffer et al (5,379,215) or Burfeind et al (6,052,648) disclose a machine/process that provides the useful and beneficial function of generating and displaying a three dimensional (3D) image of the weather and terrain in which weather related data/information is retrieved from one or more sources and geographical data/information for an area retrieved from one or more sources. The retrieved data/information is then combined or merged into a series of one or more individual 3d images that are then suitably displayed to an interested user/operator.

C) either McGraw et al (5,628,050) or Dey: "The WMO Format For The Storage Of Weather Product Information And The Exchange Of Weather Product Messages In Gridded Binary Form As Used By NCEP Central Operations", Edition 1, Office Note .388-GRIB, National Centers for Environmental Prediction Central Operations, p 105, (March 10, 1998), disclose a machine/process that provides the useful and beneficial function providing a portable machine/process for providing an alarm or warning in the event of the occurrence of a natural phenomena. To provide a warning this portable machine/process receives data/information via a suitable communications link representing the detected occurrence of the natural phenomena. After receiving the data/information over the communications link, this portable machine/process provides a suitable warning indication to the interested user/operator. Where the machine/process of Dey uses a grid format in order to display the natural phenomena data/information and hence in order to indicate the occurrence of the natural phenomena to the interested user/operator.

D) either Wickes et al (5,990,805) or Zereski Jr. et al (5,654,886) or Peek et al (6,343,255) or Jones et al (6,542,825) or Kelly et al (6,489,987) disclose a machine/process that provides the useful and beneficial function providing a multi-media indication of desired data/information, for example, natural phenomena data/information, that is of interest to the user/operator. To provide this indication a central computer implemented facility uses a suitable communications link in order to receive an indication from the user/operator of the type of data/information that is desired by the user/operator by selecting one type of data/information from one or more different categories or types of available data/information. Based on the received indication of the desired type of data/information from the user/operator, the central facility uses one or more suitable communications links in order to collect or retrieve relevant data/information from each one of the one or more remotely located relevant data/information bases/structures which have been previously created from the various sources of the relevant types of data/information. The relevant data/information that has been collected from the remote databases is then processed and formatted in order to create a suitable indication, for example a multi-media presentation, of the collected relevant data/information for the

interested user/operator on the interested user/operator's display device. After the suitable indication of the desired data/information has been generated, then the central facility uses a suitable communications link in order to provide the suitable indication to the interested user/operator that had requested the data/information. Where in either or Peek et al (6,343,255) or Jones et al (6,542,825), the phenomena data/information is collected and stored in one or more data/information bases/structured from one or more remotely located sensors of the phenomena data/information and in either Wickes et al (5,990,805) or Kelly et al (6,489,987) an user profile is used in order to retrieve, process and display the requested information.

E) Kari et al (6,154,745) discloses a machine/process that provides the useful and beneficial function of retrieving stored information from one or more data/information bases by using an user's search query in combination with a stored user profile in order to filter the results of the user's search of the databases.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward R. Cosimano whose telephone number is 571-272-0571. The examiner can normally be reached on 571-272-0571 from 7:30am to 4:00pm (Eastern Time).

9.1 If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn, can be reached on 571-272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9.2 Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ERC
08/27/2009

/Edward Cosimano/
Primary Examiner Unit 2863